

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-4, 7-9 and 12 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4 and 7-12 are now pending in this application with claims 10 and 11 being withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 1-3 and 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,419,969 (“Miyazaki”). In response, without agreeing or acquiescing to the rejection, Applicants have amended independent claims 1 and 12. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Applicants respectfully submit that Miyazaki does not describe each and every element of the claims.

Independent claim 1 is directed to a “layered structure” comprising in addition to other elements, “an infra-red reflecting layered structure, said infra-red reflecting layered structure comprising: a first transparent substrate layer; a first metal oxide layer; a first silver containing layer; a second metal oxide layer; a second silver containing layer; a third metal oxide layer; ***a first adhesive layer; a second transparent substrate layer; a second adhesive***

layer; and a glass substrate.” (emphasis added). Independent claim 12 recites similar limitations.

Without limitation to the claims, the Examiner is referred to Fig. 5 of the application as filed. According to an exemplary embodiment, the infra-red reflecting layered structure comprising alternating metal oxide - silver containing layers is deposited on a plastic substrate (for example a PET substrate). A second plastic substrate is laminated to the layered structure by means of an adhesive and the formed layered structure is then laminated to the glass by a second adhesive.

In contrast, Miyazaki does not disclose, teach or suggest each and every element recited in independent claims 1 and 12. Miyazaki describes a multilayer coating comprising alternating layers of oxide films and silver containing films. Miyazaki discloses in column 7, lines 7-9 that it has a glass, a film or a plastics substrate 1. As shown in Figs. 1A-1C, the substrate is a uniform structure made up of one of the above-mentioned materials. Miyazaki does not disclose a substrate formed from more than one material. Accordingly, Miyazaki does not disclose a “*a first adhesive layer; a second transparent substrate layer; a second adhesive layer; and a glass substrate*” as claimed in claims 1 and 12.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Miyazaki fails to disclose each and every limitation in as complete detail as is contained in amended independent claims 1 and 12.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claims 1 and 12 be allowed. Further, claims 2-4 and 6-9 depend from claim 1 and should be allowed for the reasons set forth above.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Miyazaki.

Claim Rejections under 35 U.S.C. § 103

Claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazaki in view of Okimura. Claims 1-3 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,996,105 (“Oyama”) in view of Miyazaki. Claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Oyama and Miyazaki and further in view of Okimura.

As set forth above, Miyazaki fails to disclose, teach or suggest each and every limitation of amended independent claims 1 and 12. Claims 2-4 and 6-9 depend from independent claim 1 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Further, Oyama and Okimura fail to cure the deficiencies of Miyazaki. For example, Oyama only discloses a uniform transparent substrate 10. *See Fig. 2.* Accordingly, Applicants request that the rejection be withdrawn.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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